

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**IN RE: Syngenta AG MIR162
Corn Litigation**

MDL No: 2591

Case No: 14-md-2591-JWL-JPO

(This Document Relates to All Cases)

MAY 25, 2016 STATUS CONFERENCE AGENDA

1. The status conference will take place in **CONFERENCE ROOM #659**, located on the 6th Floor, Robert J. Dole United States Courthouse, 500 State Avenue, Kansas City, Kansas, on May 25, 2016 beginning at 10:30 a.m. A telephone conference line will be available for interested counsel and parties to listen in on this hearing. Participants on the phone line will NOT be able to participate in the hearing, only listen in. To join the conference line, interested participants shall dial into the **CONFERENCE LINE at 1-888-363-4749** and the **ACCESS CODE is 2126821**. Participants will follow the instructions to join the call.
2. The court intends to set September 13, 2016 for the Class Certification motion , assuming such a motion will be filed and at issue by August 17, 2016 as previously contemplated.

3. The court intends to inquire about the procedural ramifications of the court's Memorandum and Order concerning reconsideration of its personal jurisdiction holding (doc. 2047), including any impact on the bellwether process.
4. The court understands that certain cases have been removed from state to federal court in Minnesota and it would like to be informed concerning how, if at all, this might affect the MDL proceeding in this court or in Minnesota state court.
5. The court intends to take up the topics included in the Joint Status Report for this conference submitted by counsel and attached hereto as Exhibit A, and also would like to know whether the plaintiffs in the Elijah Farms case expect to secure service on the foreign Syngenta defendants by the May 20 deadline.
6. The court will also entertain any matters which counsel wish to bring to the court's attention.

Dated this 18th day of May, 2016 at Kansas City, Kansas.

s/ John W. Lungstrum

JOHN W. LUNGSTRUM

UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

IN RE SYNGENTA AG MIR162 CORN
LITIGATION

THIS DOCUMENT RELATES TO:

ALL CASES

No. 2:14-MD-02591-JWL-JPO

MDL No. 2591

**JOINT STATUS REPORT FOR
MAY 25, 2016 STATUS CONFERENCE**

Pursuant to Scheduling Order No. 1 (ECF No. 123), the parties jointly submit this Status Report for the status conference scheduled for May 25, 2016.

I. Status of Discovery

A. Remaining Depositions

On April 21, 2016, the parties jointly moved for an extension of time to permit the completion of certain specified discovery after the May 2, 2012 close of discovery. ECF No. 1878. On April 22, 2016, the Court granted this motion, but only until June 3, 2016. ECF No. 1882.

The parties have more than 20 days of depositions scheduled across the country for the next 11 business days before the June 3, 2016 deadline. The parties have worked diligently to schedule the remaining depositions by June 3, 2016, but were unable to complete all of the remaining depositions despite these efforts. Many of these remaining depositions are of subpoenaed third parties, who are either continuing to produce documents or have recently completed production of their documents.

The parties have agreed on dates after June 3, 2016 for the following depositions:

Date	Party	Witness	Location
6/6/16 & 6/8/16	National Grain and Feed Association	Corporate designee	Washington D.C.
6/7/16	Trans Coastal	Eric Woodie	Houston
6/8/16	ADM	Elliott Brammer	Chicago
6/8/16	Syngenta	Michael Bierman	St. Louis
6/9/16	Trans Coastal	David Stanko	St. Louis
6/9/16 - 6/10/16	Cargill	Randy Giroux	Minneapolis
6/14/16 - 6/15/16	Cargill	Dave Baudler	Minneapolis
6/14/16	Trans Coastal	Greg Molnar	Minneapolis
6/15/16-6/16/16	ADM	Corporate designee	Chicago
6/16/16 - 6/17/16	Cargill	Corporate designee	Minneapolis
6/20/16 - 6/21/16	Cargill	Bill Hale	Minneapolis
6/20/16-6/21/16	ADM	Corporate designee	Chicago
6/23/16-6/24/16	Cargill	Alex Sanfeliu	London
6/23/16-6/24/16	ADM	Wes Ulmeyer	Chicago
6/24/16 & 6/27/16	Cargill	Steve Becraft	Minneapolis
6/28/16-6/30/16	Biotechnology Industry Organization	Corporate designee	Washington D.C.
6/30/16	ADM	Corporate designee	Chicago

In addition to these scheduled depositions, the parties are in discussions regarding the scheduling of the following requested depositions:

Party	Witness	Location
U.S. Grains Council	Corporate designee	Washington D.C.
Syngenta	Jonathan Seabrook	London
Arvid Hawk/Global Agricultural Consulting	Individual and corporate designee	Minneapolis
Levick	Corporate designee	TBD
White House Writers Group	Corporate designee	TBD
Louis Dreyfus	Individual and/or corporate designee	TBD
Bunge	Individual and/or corporate designee	TBD
Gavilon	Individual and/or corporate designee	TBD
CHS	Individual and/or corporate designee	TBD
American Soybean Association	Corporate designee	TBD
Rail Transfer	Continuation of corporate designee	TBD
Cargill	Gregory Page	TBD
Cargill	David MacLennan	TBD

Cargill	Wayne Teddy	TBD
Cargill	Emery Koenig	TBD
Cargill	Jason Xu	TBD
Cargill	Shelly Shi	TBD
Cargill	Katherine Yin	TBD
Cargill	David Buchanan	TBD
Cargill	Rich Calhoun	TBD
Cargill	Nick Friant	TBD
Cargill	Christopher Langholz	TBD
Cargill	William Barksdale	TBD
Cargill	Robert Aspell	TBD
Cargill	Dinh Lai	TBD
Cargill	Brett Bell	TBD
Cargill	Jerrity Chen	TBD
Cargill	Oscar Li	TBD
Cargill	Andrew Wong	TBD
Cargill	Ai Li	TBD
ADM	Brent Flickinger	TBD
ADM	Joseph Taets	TBD
ADM	Doug Johns	TBD
ADM	Pablo Altuna	TBD
ADM	Frederick Groth	TBD
ADM	Rick Grabel	TBD
ADM	Ryan Brocklesby	TBD
ADM	Vikram Luther	TBD
ADM	Stefanie Grummelt	TBD
ADM	Bastian Supper	TBD
ADM	Stefan Fiedler	TBD

The parties jointly and respectfully request permission to complete these specified depositions. With the exception of Section II below, none of these depositions will impact any other scheduling order deadline, including the class certification briefing deadlines.

B. Written Discovery and Document Production

The parties are completing their review of each other's recently served written discovery responses and recently produced documents. The parties will, if necessary and after fully complying with their meet and confer obligations, timely raise any remaining discovery issues

with the Court or seek a temporary extension to provide additional time to attempt to resolve any disputes.

C. Discovery taken in other Coordinated Actions

Although discovery is otherwise closed for the bellwether and class representative Plaintiffs, discovery in some of the coordinated actions may continue, including in cases such as the *Funk Seeds* and the *Pospisil* litigation. The parties would like to discuss with the Court how, if at all, discovery in these cases, which may continue through class certification briefing, dispositive motion briefing and even trial, can be used in the bellwether and class representative cases.

II. Rule 26 Disclosure Supplementation

On March 31, 2016, the Court granted the joint request of the parties to extend the deadline for the supplementation of the Rule 26(e) Disclosures. At the parties' request, the Court set the new deadline for supplemental witness disclosures for May 20, 2016 and the new deadline for supplemental exhibit disclosures for November 23, 2016. ECF No. 1790.

In light of the upcoming depositions and continuing documents produced by certain parties, including subpoenaed third parties, the parties jointly request that the deadline for the supplementation of witness disclosures be extended until June 20, 2016. The parties have agreed that if Syngenta discloses persons with knowledge who have not been deposed, plaintiffs shall have the right to promptly seek discovery as to those persons and/or depose such persons and, conversely, Syngenta shall have the same right should plaintiffs disclose persons with knowledge who have not been deposed. The parties do not anticipate that this new deadline would impact any other scheduling order deadline, including the class certification briefing deadlines, and do not request any change to the November 23, 2016 deadline for supplemental exhibit disclosures.

III. Motion for Leave to Amend the Complaints

Plaintiffs may file a motion for leave to amend one or more of the complaints for the Producer Plaintiffs, the Milo Producer Plaintiffs and the Non-Producer Plaintiffs based upon facts obtained in discovery to date. If such motions are filed, Syngenta will promptly review them and may oppose such a motion.

IV. Special Master

The parties are continuing to meet and confer with the Special Master.

V. Pending Motion

1. Syngenta filed its Motion for Partial Judgment on the Pleadings on April 29, 2016. ECF Nos. 1927, 1928. Plaintiffs' response is due on May 27, 2016. ECF No. 2037. Syngenta's reply is due on June 10, 2016. The parties have agreed to a one-week extension of Syngenta's reply deadline in accordance with Plaintiffs' unopposed request for a one-week extension of their response deadline to May 27, 2016, which the Court granted, *see* ECF No. 2037, and Syngenta will file an unopposed motion to that effect.

Pursuant to Local Rule 7.2, the parties respectfully request oral argument on this motion, if it would be of assistance to the Court.

Date: May 18, 2016

Respectfully Submitted by:

/s Patrick J. Stueve

Patrick J. Stueve—KS Bar #13847

STUEVE SIEGEL HANSON LLP

460 Nichols Road, Suite 200

Kansas City, MO 64112

Telephone: (816) 714-7100

stueve@stuevesiegel.com

CO-LEAD COUNSEL AND LIAISON COUNSEL FOR PLAINTIFFS

Don M. Downing

GRAY, RITTER & GRAHAM, P.C.

701 Market Street, Suite 800

St. Louis, MO 63101

Telephone: (314) 241-5620

ddowning@grgpc.com

CO-LEAD COUNSEL FOR PLAINTIFFS AND INTERIM RULE 23 CLASS COUNSEL

William B. Chaney

GRAY REED & MCGRAW, P.C.

1601 Elm Street, Suite 4600

Dallas, TX 75201

Telephone: (214) 954-4135

wchaney@grayreed.com

Scott Powell

HARE WYNN NEWELL & NEWTON

2025 3rd Ave. North, Suite 800

Birmingham, AL 35203

Telephone: (205) 328-5330

scott@hwnn.com

CO-LEAD COUNSEL FOR PLAINTIFFS

Date: May 18, 2016

Respectfully Submitted by:

/s/ Thomas P. Schult

Thomas P. Schult

BERKOWITZ OLIVER LLP

2600 Grand Blvd., Suite 1200

Kansas City, MO 64108

Telephone: (816) 561-1888

tschult@berkowitzoliver.com

LIAISON COUNSEL FOR DEFENDANTS

Michael D. Jones

KIRKLAND & ELLIS, LLP

655 15th Street, NW

Washington, D.C. 20005

Telephone: (202) 879-5294

michael.jones@kirkland.com

COUNSEL FOR DEFENDANTS